

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
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CLERK *J. LaVictoire*
U.S. DIST. CT. OF GA.

ROBERT E. SMITH and
MELISSA SMITH,

Plaintiffs,

vs.

CIVIL ACTION NO.: CV205-117

BENJAMIN ROBERT CLARK,
individually, and COASTLINE
CONSTRUCTION COMPANY, INC.,

Defendants.

ORDER

Plaintiffs have filed a Motion to Compel Discovery. They assert that certain of Defendants' responses to Interrogatories and Requests for Production of Documents are inadequate, incomplete, and unresponsive. The Defendants have filed a response to Plaintiffs' motion, and Plaintiffs have replied. Plaintiffs also seek an award of attorneys' fees and expenses incurred with the filing of their motion. Plaintiffs' Motion to Compel is **GRANTED** as follows. Within ten (10) days of the date of this Order, Defendants shall serve responses to Plaintiff's Interrogatories and Request for Production of Documents as follows:

Interrogatory Nos. 2 and 18. Defendants shall supplement their response to these interrogatories to provide the addresses and telephone numbers and a statement of the information known by the persons previously identified by Defendants in their responses to interrogatory numbers 2 and 18.

Interrogatory No. 9. Defendants shall state whether third-parties were paid for the specified "overage" charges after receiving payment from Plaintiffs.

Interrogatory No. 10. Defendants shall provide an explanation of each expenditure charged to the Plaintiffs' account.

Interrogatory No. 15 and Request for Production No. 12. As the information and documents requested by Plaintiffs appear to be reasonably calculated to lead to the discovery of admissible evidence, the Defendants shall provide a list of all assets of Coastline Construction Company, Inc., between October 2002 and present.

Interrogatory No. 17. Defendants shall state specifically the basis for the calculation that Plaintiffs owe Defendants \$140,000 as asserted in the counterclaim.

Requests for Production Nos. 3 and 4. Defendants shall produce an exact computer disc copy of the actual Quickbooks program used by Defendants to compile their data.

Request for Production No. 10. Defendants have responded that insurance policies, agreements, and or indemnifications applicable to the project that is the subject matter of this case will be produced *when they become available*. Defendants' response was served December 5, 2005. Six months seems to be an adequate amount of time to obtain these documents for which Defendants paid a premium. Accordingly, Defendants shall produce those documents.

As the request of counsel for Plaintiffs, the Court will schedule a hearing to determine whether the award of attorney's fees and expenses is appropriate.

SO ORDERED, this 12th day of June, 2006.


JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE